

EXHIBIT A

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,)
)
Plaintiff,)
) Case No.
vs.) 5:14-cv-05344-BLF (PSG)
)
ARISTA NETWORKS, INC.,)
)
Defendant.)
_____)

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VIDEOTAPED DEPOSITION OF KIRK LOUGHEED
Palo Alto, California
Friday, November 20, 2015
Volume I

Reported by:
CARLA SOARES
CSR No. 5908
Job No. 2187110
Pages 1 - 189

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Plaintiff,)
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Defendant.)
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VIDEOTAPED DEPOSITION OF KIRK LOUGHEED,
Volume I, taken on behalf of Defendant, at
650 Page Mill Road, Palo Alto, California, beginning
at 9:19 a.m., and ending at 6:15 p.m., on Friday,
November 20, 2015, before CARLA SOARES, Certified
Shorthand Reporter No. 5908.

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1 APPEARANCES:

2
3 For the Plaintiff and the Witness:

4 QUINN EMANUEL URQUHART & SULLIVAN, LLP
5 BY: JOHN (JAY) NEUKOM, Attorney at Law
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7 San Francisco, California 94111
8 415.875.6341
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10 and

11 KIRKLAND & ELLIS LLP
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1 APPEARANCES (Continued):

2
3 For the Defendant:

4 KEKER & VAN NEST LLP

5 BY: BRIAN L. FERRALL, Attorney at Law

6 BY: RYAN WONG, Attorney at Law

7 633 Battery Street

8 San Francisco, California 94111

9 415.391.5400

10 bferrall@kvn.com

11 rwong@kvn.com

12
13 ALSO PRESENT: Sean Grant, Video Operator

14 --oOo--

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1 A Yes. 10:58:00

2 Q Did those -- did the DECSYSTEM-20 work
3 with a boot disk?

4 A Yes.

5 Q What do you understand a boot disk to 10:58:24
6 mean? What does that mean to you?

7 A It's a generic term describing a disk that
8 has an operating system installed on it.

9 Q Do you know, was the -- strike that.

10 You mentioned that the DECSYSTEM-20 sort 10:59:15
11 of reached an end-of-the-product road in the 1980s.

12 Was the TOPS-20 software ever used on any
13 other computers, to your knowledge?

14 MR. NEUKOM: Objection. Compound and
15 vague. 10:59:43

16 THE WITNESS: I'm not aware of it being
17 used on any other computers.

18 BY MR. FERRALL:

19 Q Are you familiar with something called
20 EXEC, E-X-E-C, in TOPS-20? 11:00:25

21 A Yes.

22 Q What is that?

23 A It's a program.

24 Q What does it do?

25 A It's the interface -- the human interface 11:00:47

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1 for the TOPS-20 operating system. 11:00:48

2 Q How did humans interface with the TOPS-20
3 operating system?

4 A Typically through a character -- character
5 mode terminal. 11:01:16

6 Q Can you explain what a character mode
7 terminal is?

8 A A CRT, cathode ray tube, that has an
9 attached keyboard that can send characters to the
10 computer and receive characters back, and displays 11:01:42
11 them on a screen.

12 Q Did you use such a terminal in your role
13 as a systems programmer at Stanford?

14 A Yes.

15 Q And was the terminal that you're talking 11:02:09
16 about here, was that itself a DECSYSTEM-20 terminal?

17 A Not necessarily.

18 Q Was it for the ones that you used?

19 A Some terminals were of DEC manufacture and
20 some were of other manufactures. 11:02:40

21 Q Was the EXEC program part of TOPS-20?

22 A Yes.

23 Q How would you get to the EXEC program on
24 one of these terminals?

25 MR. NEUKOM: Objection. Form. 11:04:10

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1 THE WITNESS: You would typically -- on a 11:04:20
2 terminal that was idle, you would press a "return"
3 key.

4 BY MR. FERRALL:

5 Q And how would you know that you were then 11:04:35
6 in the EXEC program?

7 A It would print a short message and an "at"
8 sign.

9 Q And then you could enter your character
10 string after the "at" sign; is that right? 11:04:59

11 A You could do that.

12 Q Was that -- how would you operate on
13 the -- in the EXEC program as a systems programmer
14 at Stanford?

15 A If it was very generic information, there 11:05:32
16 were a few commands available. Otherwise, I would
17 have to log in.

18 Q And what would logging in allow you to do
19 that you couldn't otherwise do?

20 A Gain access to more -- to more commands. 11:05:55

21 Q If you were logged in, was the screen
22 different in terms of what was presented to you for
23 entering characters?

24 A No.

25 Q So you'd still have the "at" sign? 11:06:21

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1 that software. 11:11:38

2 Q So you saw the EXEC source sometime during
3 your time at Stanford?

4 A Yes.

5 Q Why did you look at the EXEC source code? 11:12:02

6 A To apply patches, fix bugs.

7 Q How often would you have to fix bugs in
8 the TOPS-20 code, do you recall?

9 A I do not recall -- recall the frequency.

10 Q Do you understand whether there was a 11:13:26
11 privileged mode in TOPS-20?

12 A Yes. There is -- there is a privileged
13 mode.

14 Q And what distinguishes a privileged mode
15 from any other mode? 11:13:50

16 A The -- assuming that you had access to the
17 privileged mode or the privileged -- to additional
18 privileges, it would change the -- change the prompt
19 character.

20 Q Do you know what the prompt character was 11:14:29
21 in the privileged mode?

22 A Yes.

23 Q What was it?

24 A Stanford used an exclamation mark. DEC
25 had a character -- a different character that I 11:14:49

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1 reveal -- basically mostly status commands and ones 14:27:53
2 for handling connections over the network to other
3 hosts, sort of a subset of the -- of the terminal
4 server commands.

5 Q And you said you chose the term "EXEC," 14:28:26
6 that's E-X-E-C; is that right?

7 A Yes.

8 Q You chose that term, yes?

9 A Yes.

10 Q How did you come up with that term? 14:28:39

11 A Well, I had a number of possible ways of
12 describing it. I could have used "shell" after
13 the -- modeling it along the UNIX way of -- UNIX
14 equivalent.

15 From -- I decided EXEC in sort of -- you 14:29:15
16 know, inspired by the TOPS-20 command processor.
17 You know, calling it the command processor would
18 have been another possibility.

19 There was a number of possibilities that I
20 could have called it, what I could have called that 14:29:38
21 particular part of the software, and I ended up
22 choosing EXEC.

23 Q Now, were you responsible for determining
24 the prompt symbol on the interface?

25 I'm sorry. Let me be clear. 14:30:26

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1 A When Cisco announced the -- actually, it 18:06:22
2 was in the Mercury News in the morning, and then
3 later through internal email at Cisco.

4 Q When the suit was filed?

5 A When the suit was filed. 18:06:38

6 Q Okay. Not before?

7 A Not before.

8 Q Did you have any involvement in the
9 litigation between Cisco and Huawei?

10 MR. NEUKOM: That's a "yes" or "no" due to 18:06:49
11 privilege concerns.

12 THE WITNESS: No, I was not involved with
13 Huawei.

14 BY MR. FERRALL:

15 Q Are you able to -- sorry. Strike that. 18:07:26

16 Were you involved at all in composing any
17 of the commands that begin with "AAA"?

18 A No.

19 Q Can you tell me how the "clock set"
20 command was composed? 18:08:07

21 A No, I cannot. I wasn't involved.

22 Q Can you tell me how any of the IPv6
23 commands were composed?

24 A Yes.

25 Q Which ones? 18:08:30

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [X] was [] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21
22 Dated: 11/25/2015

23
24 

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